

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 11, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NFN LE'TAXIONE,

Plaintiff,

v.

MR. SPARBER, MR. SCOTT BAUM,  
and LT WIRTH,

Defendants.

No. 2:22-cv-00066-MKD

ORDER DISMISSING ACTION  
WITHOUT PREJUDICE

BEFORE THE COURT is *pro se* Plaintiff NFN Le'Taxione's Motion to Voluntarily Dismiss Complaint. ECF No. 23. Defendants have not been served in this action. Accordingly, **IT IS ORDERED** that Plaintiff's Motion, **ECF No. 23**, is **GRANTED** and the First Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.

Accordingly, **IT IS HEREBY ORDERED:**

(1) Plaintiff's Motion to Voluntarily Dismiss Complaint pursuant to Federal Rule of Civil Procedure 41(a), **ECF No. 23**, is **GRANTED**.

1 (2) Plaintiff's First Amended Complaint is **DISMISSED WITHOUT**  
2 **PREJUDICE.**

3 (3) Although granted the opportunity to do so, Plaintiff did not file a  
4 separate Motion and Affidavit to waive the remaining balance of the filing fee as  
5 directed. Therefore, Plaintiff is still obligated to pay the full filing fee for this  
6 action pursuant to 28 U.S.C. § 1915(b).

7 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
8 enter judgment of dismissal without prejudice, provide copies to Plaintiff, and  
9 **close** the file. The Court certifies that any appeal of this dismissal would not be  
10 taken in good faith.

11 **DATED** December 11, 2023.

12 s/Mary K. Dimke  
13 MARY K. DIMKE  
14 UNITED STATES DISTRICT JUDGE  
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